



PDC NEWS - Revised

711 Capitol Way, Room 206
Olympia Washington

Public Disclosure Commission

Earl Tilly, Chair
Jane Noland, Vice-Chair
Bill Brumsickle, Secretary
Mike Connelly, Member
Ken Schellberg, Member

November 30, 2005

Volume 5 Issue No 9

Enforcement

Hearings:

Pat Davis, a 2001 candidate for Port of Seattle Commissioner, was fined \$7,500 for failing to timely and accurately file 2001 campaign reports and for exceeding the 2001 candidate loan repayment limits. Davis was also ordered to repay her campaign \$6,054, the amount of the loan overpayment.

The Commission recommended that the Attorney General take no action on a citizen action complaint alleging that **King Broadcasting Co. d/b/a King 5 Television** violated RCW 42.17.640 by making over-limit in-kind contributions to Ron Sims, Christine Gregoire, and Dino Rossi during the 2004 election cycle. The citizen action complaint alleged that King Broadcasting Co.'s invitation to gubernatorial candidates to participate in a broadcast debate and polling involving those candidates constituted a contribution. The commission found that King Broadcasting Co.'s candidate debates and polling were broadcasts or components of broadcasts in a regularly scheduled news medium of primary interest to the general public and not a contribution under the public disclosure law, RCW 42.17.020(14)(b)(iv). The Commission's recommendation, staff report, and report of investigation will be sent to the Attorney General for review.

Barbara Sperline, a director of Kittitas School District 403, was found in violation of RCW 42.17.240 for failing to timely file a statement of personal financial affairs. This was Sperline's third occasion of not timely filing the report and she owes outstanding penalties for the earlier violations. She was assessed a \$400 penalty with \$300 suspended if there are no further violations for 4 years and she makes regular payments to satisfy the current and past due penalties.

Requests for Review:

John Billen, a 2005 candidate for commissioner of Snohomish Co. Fire District 1 and Snohomish Co. Charter Review Commissioner, at a brief enforcement hearing on October 18, 2005, was found in violation of RCW 42.17.040 for failing to timely file a candidate registration and RCW 42.17.240 for failing to timely file a statement of personal financial affairs and was assessed a \$450 civil penalty. His request for review was granted and the Commission suspended \$150 of the penalty assessed in October.

Requests for Reconsideration:

Julian Matthews, a 2005 candidate for director of Pullman School District 267, at a brief enforcement hearing on September 14, was found in violation of RCW 42.17.040 for failing to timely file a candidate registration and RCW 42.17.240 for failing to timely file a statement of personal affairs and was assessed a \$300 civil penalty. His request for reconsideration was granted and the Commission suspended \$150 of the penalty assessed in September.

Daniel Morris, a 2005 candidate for commissioner of Pierce Co. Fire District 17, was found in violation of RCW 42.17.240 at a brief enforcement hearing on September 14 for failing to timely file a statement of personal financial affairs and was assessed a \$200 civil penalty. No motion was made to change the final order..

Raymond Pendell, a 2005 candidate for commissioner of Spokane Co. Fire District 3, at a brief enforcement hearing on September 14, was found in violation of RCW 42.17.040 for failing to timely file a candidate registration and RCW 42.17.240 for failing to timely file a statement of personal affairs and was assessed a \$200 civil penalty. His request for reconsideration was granted and the Commission found a single violation of RCW 42.17.240 and reduced the penalty to \$100.

John Dyer, a 2005 candidate for Cheney City Council, was found in violation of RCW 42.17.240 at a brief enforcement hearing on September 14, 2005 for failing to timely file a statement of personal financial affairs and was assessed a \$150 civil penalty. His request for reconsideration was granted and the Commission vacated the Order from the September hearing.

Mike Quigley, a 2005 candidate for director of Wahkiakum School District 200, at a brief enforcement hearing on September 14, was found in violation of RCW 42.17.240 for failing to timely file a statement of personal affairs and was assessed a \$150 civil penalty. His request for reconsideration was granted and the Commission suspended \$50 of the penalty assessed in September.

Theodore Thomas, a 2005 candidate for director of Longview School District 122, was found in violation of RCW 42.17.040 at a brief enforcement hearing on September 14, 2005 for failing to timely file a candidate registration and was assessed a \$100 civil penalty. His request for reconsideration was granted and the Commission vacated the Order from the September hearing.

Legislative Matters

The Commission compared Washington's campaign finance laws against the Campaign Finance Disclosure Model Law (a "best practices" recommendation for states) developed through a collaborative effort of the Center for Governmental Studies, the California Voter Foundation, and the UCLA School of Law. The Commission asked PDC staff to present the comparison to the WA State Senate and House of Representatives Government Operations committees.

The Commission discussed possible PDC-related legislation and whether to take a position on certain issues. The Commission agreed that:

- if the Legislature moves the primary election to August or earlier, it may be necessary to amend the current freeze period on soliciting or accepting contributions by removing the 30-day period after the regular legislative session, and
- it supports permitting special purpose districts, under certain conditions, to hold an open meeting consistent with RCW 42.17.130(1) to express a collective decision or vote on a motion supporting or opposing a ballot measure that would impact the district.

The Commission declined to take a preliminary position on other possible PDC-related legislation.

Rulemaking

The Commission approved proposed amendatory language for WAC 390-37-136 which sets out the process for production of documents and use at hearing (adjudicative proceeding).

The Commission also discussed potential rulemaking for implementation of the new Electioneering Communications Act (Chapter 445, Laws of 2005).

Strategic Plan

The Commission reviewed the staff's progress report and asked staff to forward it to the Governor and Legislature.

The Commission meeting materials may be found at www.pdc.wa.gov under **Commission Meetings** at **Meeting Agendas and Materials**. For additional information concerning these issues contact Lori Anderson, Communications & Training Officer, at (360) 664-2737, toll free 1-877-601-2828 or e-mail at landerson@pdc.wa.gov.